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09/742,657	12/21/2000	Hidegori Nishikawa	JP9 1999 0204 US1	6991

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Hoffman, Warnick & D'Alessandro LLC  
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Albany, NY 12207

EXAMINER

MAHMOUDI, HASSAN

ART UNIT	PAPER NUMBER
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2175

DATE MAILED: 06/07/2004

15

Please find below and/or attached an Office communication concerning this application or proceeding.

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# Office Action Summary

Application No.

09/742,657

Applicant(s)

NISHIKAWA, HIDENORI

Examiner

Tony Mahmoudi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 18 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 6-11 is/are allowed.
- 6) ☒ Claim(s) 1, 3-5 and 12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

  
SAM RIMELI  
PRIMARY EXAMINER

## **DETAILED ACTION**

### ***Remarks***

1. In response to communications filed on 18-March-2004, claim 2 has been cancelled, claims 1 and 3 are amended, and new independent claim 12 has been added per applicant's request. Claims 1 and 3-12 are presently pending in the application.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 3-5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 3, as amended, recites the limitation "wherein said hierarchical node database includes effective period data that define said effective periods for said data records, which are stored as data entries in individual data fields". The phrase "which are stored" renders the claim vague and indefinite. It is not clear from the amended claim whether the entities "stored as data entries in individual data fields" are the "effective periods", or "the data records". For the purpose of examining the application, the examiner is making the

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assumption that the "effective period data" are to be "stored as data entries in individual data fields". Appropriate correction is required.

Claims 4-5 are rejected under 35 U.S.C. 112, second paragraph, as being dependents from the rejected dependent claim 3.

*Claim Rejections - 35 USC § 103*

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1,3-4, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mital et al (U.S. Patent No. 6,189,012) in view of Campbell et al (U.S. Patent No. 6,292,801.)

As to claim 1, Mital et al teaches a database system, for storing and managing data that are used by application programs to execute a specific operation (see Abstract), comprising:

a hierarchical node database wherein data used for the application programs are stored as node data in data records (see Abstract, and see figures 1 and 9.)

a hierarchical link table (see column 8, lines 24-30, and see figures 1, 4, and 9), provided for each of the application programs (see column 8, lines 53-58), which comprises relationship data (see column 11, lines 45-51) that defines a hierarchical structure of the node data that are stored in the hierarchical node database.

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Mital et al does not teach wherein the hierarchical link table includes effective period data that defines effective periods for the defined hierarchical structure.

Campbell et al teaches network resource manager system and method (see Abstract), in which he teaches wherein the hierarchical link table (see column 8, lines 35-58, where a "link table" is read on "join table") includes effective period data (see column 8, line 63 through column 9, line 10) that defines effective periods for the defined hierarchical structure (see figures 4 and 8, and see column 3, lines 29-46, and see column 9, lines 11-22.)

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Mital et al to include wherein the hierarchical link table includes effective period data that defines effective periods for the defined hierarchical structure.

It would have been obvious to a person having ordinary skill in the art to have modified Mital et al by the teaching of Campbell et al, because wherein the hierarchical link table includes effective period data that defines effective periods for the defined hierarchical structure, would enable the user to define effective periods (start, end, and duration times) for data elements and would further enable the user to obtain information on data such as the values of particular data elements at or during a certain period of time. Also, associating effective time periods with data records, enables the system to generate a response to a history query identifies for a particular time period, one or more data resources, the network activity initiated by those data resources and ownership data linked to those data resources, as taught by Campbell et al (see column 3, lines 33-36.)

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As to claim 3, Mital et al as modified teaches wherein, the hierarchical node database, includes effective period data that define the effective periods for the data records, which are stored as data entries in individual data fields (see Campbell et al, figures 3A-3C, 4, and 8, and see column 8, line 59 through column 9, line 10.)

As to claim 4, Mital et al as modified teaches wherein each of the data records in the hierarchical node database (see Mital et al, figures 1 and 9, and see Campbell et al, figure 6) includes a fixed-length column in which only data entries having a constant size are stored (see Mital et al, figure 4, [Links Class] column, and see Campbell et al, figure 8, [START DATE] column) and a variable-length column in which only data having variable sizes are stored (see Mital et al, figure 4, [Display name] column, and see Campbell et al, figure 8, [DEPARMENT] and [END DATE] columns.)

As to claim 12, Mital et al teaches a database system, for storing and managing data that is used by a plurality application programs to execute distinct operations (see Abstract), comprising:

a hierarchical node database, wherein data used for the application programs is stored as node data in data records (see Abstract, and see figures 1 and 9); and

a hierarchical link table (see column 8, lines 24-30, and see figures 1, 4, and 9), provided for each of the application programs (see column 8, lines 53-58), which comprises relationship data (see column 11, lines 45-51) that defines a hierarchical structure of the node data that is stored in the hierarchical node database.

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Mital et al does not teach wherein the hierarchical node database includes effective period data for at least one data record that defines a time period when at least one data record is effective for each of the plurality of application programs.

Campbell et al teaches network resource manager system and method (see Abstract), in which he teaches wherein the hierarchical node database (see column 8, lines 2-43) includes effective period data (see column 8, line 63 through column 9, line 10) for at least one data record that defines a time period when at least one data record is effective (see figures 3A-3C, 4, and 8, and see column 9, lines 11-22) for each of the plurality of application programs (see column 2, lines 43-65, and see column 5, lines 65-67.)

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Mital et al to include wherein the hierarchical node database includes effective period data for at least one data record that defines a time period when at least one data record is effective for each of the plurality of application programs.

It would have been obvious to a person having ordinary skill in the art to have modified Mital et al by the teaching of Campbell et al, because wherein the hierarchical node database includes effective period data for at least one data record that defines a time period when at least one data record is effective for each of the plurality of application programs, would enable the user to define effective periods (start, end, and duration times) for data records and would further enable the user to obtain information on data records, such as the values of particular data elements at or during a certain period of time. Also, associating effective time periods with data records, enables the system to generate a response to a history query

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identifies for a particular time period, one or more data resources, the network activity initiated by those data resources and ownership data linked to those data resources, as taught by Campbell et al (see column 3, lines 33-36.)

*Allowable Subject Matter*

6. Claims 6-11 are allowed over the prior art made of record.

7. The following is a statement of reasons for allowance:

The prior art of record, Mital et al (U.S. Patent No. 6,189,012), Campbell et al (U.S. Patent No. 6,292,801), Suver (U.S. Patent No. 6,016,497), Fehskens et al (U.S. Patent No. 6,438,591), and Lynch-Aird (U.S. Patent No. 6,240,402), do not disclose, teach, or suggest the claimed limitations of (in combination with all other features in the claim):

a hierarchical node database for storing node data to be used by *a first and a second application program*;

*a first hierarchical link table for defining a first unique hierarchical structure of the node data for use when the first application program is run, wherein the first hierarchical link table includes an identifier that identifies the first application program*; and

*a second hierarchical link table for defining a second unique hierarchical structure of the node data for use when the second application program is run, wherein the second hierarchical link table includes an identifier that identifies the second application program*, as claimed in claim 6.



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Claims 7-11 are allowed over prior art made of record because they are dependent from the allowed independent claim 6.

8. Claim 5 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims, and also overcoming the grounds of rejection under 35 U.S.C. 112, in the chain of dependency.

9. The following is a statement of reasons for the indication of allowable subject matter:

The prior art of record, Mital et al (U.S. Patent No. 6,189,012), Campbell et al (U.S. Patent No. 6,292,801), Suver (U.S. Patent No. 6,016,497), Fehskens et al (U.S. Patent No. 6,438,591), and Lynch-Aird (U.S. Patent No. 6,240,402), do not disclose, teach, or suggest the claimed limitations of (in combination with all other features in the claim):

a cycle control table in which cycle data are entered to define execution timings for the application programs that execute operations at constant time intervals, as claimed in claim 5.

#### ***Response to Arguments***

10. Applicant's arguments filed on 18-March-2004 with respect to claims 1-5 in view of the cited references have been fully considered but they are moot in view of new grounds of rejection.

*Conclusion*

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

12. Any inquiries concerning this communication or earlier communications from the examiner should be directed to Tony Mahmoudi whose telephone number is (703) 305-4887. The examiner can normally be reached on Mondays-Fridays from 08:00 am to 04:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dov Popovici, can be reached at (703) 305-3830.

tm

May 13, 2004

  
**SAM RIMELL**  
**PRIMARY EXAMINER**